UNITED STATES BANKRUPTCY COURT DISTRICT OF MASSACHUSETTS

WORCESTER, ss.		
In re:)	Chapter 7
WESTBOROUGH SPE LLC,)	Case No. 23-40709-CJP
Debtor.)	

RESPONSE TO TOWN OF WESTBOROUGH'S MOTION TO ENLARGE TIME TO FILE PROOF OF CLAIM

Opposition to the Speculative Basis for Enlargement of Time and Request for Finality

Lolonyon Akouete, a creditor in the above-captioned case, hereby submits this response to the Motion by the Town of Westborough for an enlargement of time to file a proof of claim as outlined in their motion (Doc. No. 110).

While we do not oppose the principle of granting the Town of Westborough additional time to file a proof of claim regarding the property at 231 Turnpike Road, Westborough, Massachusetts, we express significant reservations about the speculative nature underlying their request. The Town's motion predicates the need for an extension on the potential future determination that the property in question becomes an asset of the bankruptcy estate. This speculative stance introduces unnecessary uncertainty into the bankruptcy proceedings, potentially affecting the efficient administration of the estate and the equitable treatment of all creditors.

Furthermore, it is imperative to address the broader context of claim filings within these proceedings. Notably, the Internal Revenue Service (IRS), also listed among the creditors, has yet to file a proof of claim. This underscores the need for a consistent and equitable approach towards all governmental entities in the context of claim submission deadlines.

Conclusion and Firm Request

Therefore, in the interest of ensuring a streamlined and equitable process for all parties involved, we respectfully request that the Court consider the following in its determination:

- 1. Grant the Town of Westborough the requested enlargement of time to file a proof of claim, with the explicit understanding that this extension is granted based on current circumstances and should not set a precedent for future speculative extensions.
- 2. Clearly stipulate that no further extensions will be granted in the future to any party, including governmental entities, to preserve the integrity and progress of the bankruptcy proceedings.

By incorporating these considerations, the Court will facilitate a more predictable and fair bankruptcy process, respecting the rights and responsibilities of all stakeholders while mitigating unnecessary delays and speculative actions.

DATED: February 28, 2024, Respectfully submitted:

By creditor,



Lolonyon Akouete 800 Red Milles Rd Wallkill NY 12589 info@smartinvestorsllc.com (443) 447-3276

CERTIFICATE OF SERVICE

I, Lolonyon Akouete, a creditor, hereby certify that the above document is served by email and mailing a copy of the same, first-class mail, to the following:

Stephen F. Gordon, Attorney of the Petitioners

(Email: sgordon@gordonfirm.com)

The Gordon Law Firm LLP

River Place 57 River Street Wellesley, MA 02481

Scott A. Schlager on behalf of,

Nathanson & Goldberg, P.C., a creditor.

(Email: sas@natgolaw.com)

183 State Street, 5th Floor Boston, MA 02109

Assistant U.S. Trustee

Richard King

Office of US. Trustee

446 Main Street 14th Floor

Worcester, MA 01608

USTPRegion01.WO.ECF@USDOJ.GOV

Jonathan R. Goldsmith

Chapter 7 Trustee

trusteedocs1@gkalawfirm.com

Goldsmith, Katz & Argenio P.C.

1350 Main Street, 15th Floor.

Springfield, MA 01103

Paul W. Carey, Attorney of Creditor

FERRIS DEVELOPMENT GROUP, LLC

(Email: pcarey@mirickoconnell.com)

Mirick, O'Connell, DeMallie & Lougee, LLP

100 Front Street, Worcester, MA 01608

Brian W. Riley, Attorney of Creditor

Jeffrey T. Blake, Attorney of Creditor

Roger L. Smerage, Attorney of Creditor

TOWN OF WESTBOROUGH

(Email: briley@k-plaw.com)

(Email: jblake@k-plaw.com)

(Email: <u>rsmerage@k-plaw.com</u>)

KP Law, P.C. 101 Arch Street,

12th Floor Boston, MA 02110

Gary M Ronan

David M Abromowitz

Goulston&storrs

GRonan@goulstonstorrs.com

DAbromowitz@goulstonstorrs.com

400 Atlantic Avenue

Boston, MA 02110

